

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TANH HUU LAM,  
  
Defendant.

No. 2:97-cr-54 WBS

ORDER

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On January 14, 2022, defendant Tanh Huu Lam filed a "Motion to Disqualify Judge", which the court denied. (Docket Nos. 492, 501.) Defendant also filed a "Motion for Relief under Rule 60(b)(6)" on January 14, 2022. (Docket No. 493.) Magistrate Judge Kendall J. Newman then issued an Order and Findings and Recommendations recommending that the Rule 60(b)(6) motion be denied. (Docket No. 502.) Those Findings and Recommendations are currently pending before the court. However, after filing objections to the Magistrate Judge's Findings and Recommendations, defendant filed a notice of interlocutory appeal

1 from the denial of his motion to disqualify. (Docket Nos. 503,  
2 504.)

3 The filing of a notice of appeal divests the district  
4 court of jurisdiction over the aspects of the case involved in  
5 the appeal. United States v. Ortega Lopez, 988 F.2d 70, 72 (9th  
6 Cir. 1993). Because defendant has appealed the denial of his  
7 motion to disqualify the judge to whom this case is assigned, all  
8 proceedings in this case, including any ruling by the undersigned  
9 judge on the Magistrate Judge's Findings and Recommendations, are  
10 hereby STAYED pending resolution of defendant's appeal. The  
11 United States Attorney shall notify the court promptly upon  
12 resolution of the appeal.

13 IT IS SO ORDERED.

14 Dated: May 10, 2022



15 WILLIAM B. SHUBB  
16 UNITED STATES DISTRICT JUDGE  
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